

**FILED**

AUG 02 2018

STATE BAR COURT  
CLERK'S OFFICE  
LOS ANGELES

STATE BAR OF CALIFORNIA  
OFFICE OF CHIEF TRIAL COUNSEL  
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**PUBLIC MATTER**

## STATE BAR COURT

## HEARING DEPARTMENT - LOS ANGELES

In the Matter of:

DONALD JOHN CALABRIA,  
No. 44935,

A Member of the State Bar.

) Case Nos. 17-O-00942; 17-O-03613;  
) 17-O-05298; 17-O-03174;  
) 17-O-03644; 17-O-04859;  
) 17-O-07089

) NOTICE OF DISCIPLINARY CHARGES

**NOTICE - FAILURE TO RESPOND!**

**IF YOU FAIL TO FILE A WRITTEN ANSWER TO THIS NOTICE  
WITHIN 20 DAYS AFTER SERVICE, OR IF YOU FAIL TO APPEAR AT  
THE STATE BAR COURT TRIAL:**

- (1) YOUR DEFAULT WILL BE ENTERED;**
- (2) YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU  
WILL NOT BE PERMITTED TO PRACTICE LAW;**
- (3) YOU WILL NOT BE PERMITTED TO PARTICIPATE FURTHER IN  
THESE PROCEEDINGS UNLESS YOU MAKE A TIMELY MOTION  
AND THE DEFAULT IS SET ASIDE, AND;**
- (4) YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE.  
SPECIFICALLY, IF YOU FAIL TO TIMELY MOVE TO SET ASIDE  
OR VACATE YOUR DEFAULT, THIS COURT WILL ENTER AN  
ORDER RECOMMENDING YOUR DISBARMENT WITHOUT  
FURTHER HEARING OR PROCEEDING. SEE RULE 5.80 ET SEQ.,  
RULES OF PROCEDURE OF THE STATE BAR OF CALIFORNIA.**

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1 The State Bar of California alleges:

2 JURISDICTION

3 1. DONALD CALABRIA ("respondent") was admitted to the practice of law in the  
4 State of California on January 15, 1970, was a member at all times pertinent to these charges,  
5 and is currently a member of the State Bar of California.

6 COUNT ONE

7 Case No. 17-O-00942  
8 Rules of Professional Conduct, rule 3-110(A)  
[Failure to Perform with Competence]

9  
10 2. On or about November 4, 2016, Jeffrey Mondiel ("Mondiel") employed respondent to  
11 perform legal services, namely to represent Mondiel in a criminal driving under the influence  
12 case in Santa Cruz County Superior Court entitled *The People of the State of California v. Jeffrey*  
13 *Mondiel*, case no. 16CR06936 ("DUI case"), which respondent intentionally, recklessly, or  
14 repeatedly failed to perform with competence, in willful violation of Rules of Professional  
15 Conduct, rule 3-110(A), by failing to appear at a December 5, 2016 hearing resulting in the  
16 issuance of a bench warrant against Mondiel, and by failing to perform the legal services for  
17 which he was retained.

18 COUNT TWO

19 Case No. 17-O-00942  
20 Business and Professions Code, section 6068 (m)  
[Failure to Respond to Client Inquiries]

21 3. Respondent failed to respond promptly to numerous reasonable telephonic status  
22 inquiries, between in or about December 2016 through in or about March 2017 made by  
23 respondent's client Jeffrey Mondiel in a matter in which Respondent agreed to provide legal  
24 services, in willful violation of Business and Professions Code, section 6068(m).

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Business and Professions Code, section 6068 (m)  
[Failure to Inform Client of Significant Development]

4. Respondent failed to keep respondent's client Jeffrey Mondiel ("Mondiel") reasonably informed of significant developments in a matter in which respondent had agreed to provide legal services, in willful violation of Business and Professions Code, section 6068(m) by failing to inform Mondiel that he missed a court appearance on December 5, 2016, which resulted in the forfeiture of Mondiel's bail and the issuance of a bench warrant.

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Rules of Professional Conduct, Rule 3-700(D)(2)  
[Failure to Refund Unearned Fees]

5. On or about November 4, 2016 respondent received advanced fees of \$1,500.00 on November 4, 2016, \$500.00 on November 9, 2016, and \$335.00 on December 16, 2016, for a total of \$2,355.00 from a client, Jeffrey Mondiel ("Mondiel"), to represent Mondiel in a criminal driving under the influence case in Santa Cruz County Superior Court entitled *The People of the State of California v. Jeffrey Mondiel*, case no. 16CR06936. Specifically, Mondiel paid respondent to represent him at his arraignment. Respondent failed to appear at the arraignment on December 5, 2016, or perform any legal services for which he was retained, and therefore earned none of the advanced fees paid. Respondent failed to return promptly, upon respondent's constructive termination of employment on December 5, 2016, any part of the \$2,355.00 fee to the client, in willful violation of the Rules of Professional Conduct, rule 3-700(D)(2).

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COUNT FIVE

Case No. 17-O-00942  
Rules of Professional Conduct, Rule 4-100(B)(3)  
[Failure to Render Accounts of Client Funds]

6. On or about November 4, 2016, November 9, 2016, and December 16, 2016, respondent received from respondent's client, Jeffrey Mondiel ("Mondiel"), the sum of \$2,355.00 as advanced fees for legal services to be performed. Respondent thereafter failed to render an appropriate accounting to the client regarding those funds following the constructive termination of respondent's employment on or about December 5, 2016, in willful violation of the Rules of Professional Conduct, rule 4-100(B)(3).

COUNT SIX

Case No. 17-O-03613  
Rules of Professional Conduct, rule 3-110(A)  
[Failure to Perform with Competence]

7. On or about April 28, 2016, David Upton ("Upton") employed respondent to perform legal services, namely to represent Upton in a criminal driving under the influence case in San Bernardino County Superior Court entitled *The People of the State of California v. David Turron Upton*, case no. 16CR-016613 ("DUI matter"), which respondent intentionally, recklessly, or repeatedly failed to perform with competence, in willful violation of Rules of Professional Conduct, rule 3-110(A), by failing to appear at a October 25, 2016 hearing, resulting in the issuance of a bench warrant against Upton, and failing to perform the legal services for which he was retained.

COUNT SEVEN

Case No. 17-O-03613  
Business and Professions Code, section 6068(m)  
[Failure to Respond to Client Inquiries]

8. Respondent failed to respond promptly to numerous reasonable status inquiries, beginning on or about October 29, 2016 via email made by respondent's client David Upton ("Upton") after Upton learned, through researching the docket on his matter, that respondent failed to appear at a court hearing. Still not having heard from respondent, on October 31, 2016

1 Upton then made another written inquiry via email to respondent, requesting to discuss the failed  
2 appearance, and seeking a refund of his money, which respondent also failed to answer, in  
3 willful violation of Business and Professions Code, section 6068(m).

4 COUNT EIGHT

5 Case No. 17-O-03613  
6 Business and Professions Code, section 6068(m)  
[Failure to Inform Client of Significant Development]

7 9. Respondent failed to keep respondent's client David Upton ("Upton") reasonably  
8 informed of significant developments in a matter in which respondent had agreed to provide  
9 legal services, in willful violation of Business and Professions Code, section 6068(m) by failing  
10 to inform Upton that he missed a court appearance on October 25, 2016, which resulted in the  
11 issuance of a bench warrant against Upton, and bail set at \$50,000.

12 COUNT NINE

13 Case No. 17-O-03613  
14 Rules of Professional Conduct, rule 3-700(D)(2)  
[Failure to Refund Unearned Fees]

15 10. On or about April 28, 2016 respondent received advanced fees of \$2,400.00 from  
16 client, David Upton ("Upton"), to perform legal services, namely to represent Upton in a  
17 criminal driving under the influence case in San Bernardino County Superior Court entitled *The*  
18 *People of the State of California v. David Turron Upton*, case no. 16CR-016613 ("DUI matter").  
19 Respondent failed to appear at an October 25, 2016 hearing, or perform any legal services for  
20 which he was retained, and therefore earned none of the advanced fees paid. Respondent failed  
21 to return promptly, upon respondent's termination of employment on or about February 9, 2017,  
22 any part of the \$2,400.00 fee to the client, in willful violation of the Rules of Professional  
23 Conduct, rule 3-700(D)(2).

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COUNT TEN

Case No. 17-O-03613  
Rules of Professional Conduct, Rule 4-100(B)(3)  
[Failure to Render Accounts of Client Funds]

11. On or about April 28, 2016, respondent received from respondent's client, David Upton ("Upton"), the sum of \$2,400.00 as advanced fees for legal services to be performed. Respondent thereafter failed to render an appropriate accounting to the client regarding those funds following Upton's written request for a refund, via email on October 31, 2016, and upon termination of respondent's employment, on or about February 9, 2017, in willful violation of the Rules of Professional Conduct, rule 4-100(B)(3).

COUNT ELEVEN

Case No. 17-O-05298  
Rules of Professional Conduct, rule 3-110(A)  
[Failure to Perform with Competence]

12. On or about November 2, 2016, Jose Farias ("Farias") employed respondent to perform legal services, namely to represent Farias in a criminal driving under the influence case in Sonoma County Superior Court in a case entitled *The People of the State of California v. Jose Farias*, case no. SCR-695419-1 ("DUI matter"), which Respondent intentionally, recklessly, or repeatedly failed to perform with competence, in willful violation of Rules of Professional Conduct, rule 3-110(A), by failing to appear at a December 23, 2016 hearing, resulting in the issuance of a bench warrant against Farias, and by failing to perform the legal services for which he was retained.

COUNT TWELVE

Case No. 17-O-05298  
Business and Professions Code, section 6068(m)  
[Failure to Respond to Client Inquiries]

13. Respondent failed to respond to numerous reasonable telephonic status inquiries between in or about the end of December, 2016, through in or about November, 2017 made by respondent's client Jose Farias ("Farias"), as well as a written inquiry made by counsel Jon

1 Woolsey on Farias' behalf on April 17, 2017, in a matter in which respondent agreed to provide  
2 legal services, in willful violation of Business and Professions Code, section 6068(m).

3 COUNT THIRTEEN

4 Case No. 17-O-05298  
5 Business and Professions Code, section 6068(m)  
6 [Failure to Inform Client of Significant Development]

7 14. Respondent failed to keep respondent's client Jose Farias ("Farias") reasonably  
8 informed of significant developments in a matter in which respondent had agreed to provide  
9 legal services in willful violation of Business and Professions Code, section 6068(m), by failing  
10 to inform Farias that he missed a court appearance on December 23, 2016, which resulted in the  
11 issuance of a bench warrant against Farias and the forfeiture of his bail.

12 COUNT FOURTEEN

13 Case No. 17-O-05298  
14 Rules of Professional Conduct, rule 3-700(D)(2)  
15 [Failure to Refund Unearned Fees]

16 15. On or about November 2, 2016, respondent received advanced fees of \$2,000.00  
17 against the \$3,995.00 requested, from a client, Jose Farias ("Farias"), to represent Farias in a  
18 criminal driving under the influence case in Sonoma County Superior Court in a case entitled  
19 *The People of the State of California v. Jose Farias*, case no. SCR-695419-1 ("DUI matter").  
20 Respondent failed to appear at a December 23, 2016 hearing, or perform the legal services for  
21 which he was retained, and therefore earned none of the advanced fees paid. Respondent failed  
22 to return promptly, upon respondent's termination of employment on or about April 17, 2017,  
23 any part of the fee to the client, in willful violation of the Rules of Professional Conduct, rule 3-  
24 700(D)(2).

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COUNT FIFTEEN

Case No. 17-O-05298  
Rules of Professional Conduct, Rule 4-100(B)(3)  
[Failure to Render Accounts of Client Funds]

16. On or about November 2, 2016, respondent received from respondent's client, Jose Farias ("Farias"), the sum of \$2,000.00 as advanced fees for legal services to be performed. Respondent thereafter failed to render an appropriate accounting to the client regarding those funds following Farias's demand for a refund of the unearned fees on or about April 17, 2017, in willful violation of the Rules of Professional Conduct, rule 4-100(B)(3).

COUNT SIXTEEN

Case No. 17-O-03174  
Rules of Professional Conduct, Rule 3-110(A)  
[Failure to Perform with Competence]

17. On or about January 23, 2017, Olivia Jiron ("Jiron") employed respondent to perform legal services, namely to represent Ariel Pantoja ("Pantoja") in his criminal possession of stolen goods case, in a case entitled *The People of the State of California v. Ariel Pantoja*, Glenn County Superior Court case no. 17NCR11769, which respondent intentionally, recklessly, or repeatedly failed to perform with competence, in willful violation of Rules of Professional Conduct, rule 3-110(A), by failing to appear at a February 8, 2017 hearing, or to perform any other services for which he was retained.

COUNT SEVENTEEN

Case No. 17-O-03174  
Rules of Professional Conduct, Rule 3-310(F)  
[Accepting Fees From a Non-Client]

18. On or about January 23, 2017, respondent accepted \$2,000.00 from Bianca Pantoja ("Bianca") as compensation for representing a client, Ariel Pantoja ("Pantoja"), without obtaining the client's informed written consent to receive such compensation, in willful violation of Rules of Professional Conduct, rule 3-310(F).

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COUNT EIGHTEEN

Case No. 17-O-03174  
Business and Professions Code, section 6068(m)  
[Failure to Respond to Client Inquiries]

19. Respondent failed to respond promptly to numerous reasonable telephonic status inquiries made, on behalf of his client, Ariel Pantoja, between about February 8, 2017 through February 27, 2017, that respondent received in a matter in which respondent had agreed to provide legal services, in willful violation of Business and Professions Code, section 6068(m).

COUNT NINETEEN

Case No. 17-O-03174  
Rules of Professional Conduct, Rule 4-100(B)(3)  
[Failure to Render Accounts of Client Funds]

20. On or about January 23, 2017, respondent received from respondent's client's sister, Bianca Pantoja ("Bianca"), the sum of \$2,000.00 as advanced fees for legal services to be performed for client Ariel Pantoja. Respondent thereafter failed to render an appropriate accounting to the client regarding those funds following the constructive termination of respondent's employment on or about February 8, 2017, in willful violation of the Rules of Professional Conduct, rule 4-100(B)(3).

COUNT TWENTY

Case No. 17-O-03174  
Rules of Professional Conduct, Rule 3-700(D)(2)  
[Failure to Refund Unearned Fees]

21. On or about January 23, 2017 respondent received advanced fees of \$2,000.00 from client Ariel Pantoja's ("Pantoja") sister, to represent Pantoja at his February 8, 2017 hearing in his criminal matter, in the case entitled *The People of the State of California v. Ariel Pantoja*, Glenn County Superior Court case no. 17NCR11769. Respondent failed to appear at the February 8, 2017 hearing, or perform any legal services for the client, and therefore earned none of the advanced fees paid. Respondent failed to return promptly, upon respondent's constructive termination of employment, on or about February 8, 2017, any part of the \$2,000.00 fee to the client, in willful violation of the Rules of Professional Conduct, rule 3-700(D)(2).

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COUNT TWENTY-ONE

Case No. 17-O-03644  
Rules of Professional Conduct, Rule 3-110(A)  
[Failure to Perform with Competence]

22. On or about April 8, 2016, Alfredo Lopez ("Lopez") employed respondent to perform legal services, namely to represent him in his criminal driving under the influence case, entitled *The People of the State of California v. Alfredo Lopez*, San Joaquin County Superior Court case no. RP16-01440, which respondent intentionally, recklessly, or repeatedly failed to perform with competence, in willful violation of Rules of Professional Conduct, rule 3-110(A), by failing to appear at an August 10, 2016 hearing, or to perform any other services for which he was retained.

COUNT TWENTY-TWO

Case No. 17-O-03644  
Business and Professions Code, section 6068(m)  
[Failure to Respond to Client Inquiries]

23. Respondent failed to respond promptly to numerous reasonable telephonic status inquiries made by respondent's client, Alfredo Lopez ("Lopez"), beginning August 23, 2016, that respondent received in a matter in which respondent had agreed to provide legal services, in willful violation of Business and Professions Code, section 6068(m).

COUNT TWENTY-THREE

Case No. 17-O-03644  
Rules of Professional Conduct, Rule 4-100(B)(3)  
[Failure to Render Accounts of Client Funds]

24. On or about August 8, 2016, respondent received from respondent's client, Alfredo Lopez, the sum of \$3,250.00 as advanced fees for legal services to be performed. Respondent thereafter failed to render an appropriate accounting to the client regarding those funds, following the constructive termination of respondent's employment, on or about August 10, 2016, in willful violation of the Rules of Professional Conduct, rule 4-100(B)(3).

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2 COUNT TWENTY-FOUR

3 Case No. 17-O-03644  
4 Rules of Professional Conduct, Rule 3-700(D)(2)  
[Failure to Refund Unearned Fees]

5 25. On or about August 8, 2016, respondent received advanced fees of \$3,250.00 from a  
6 client, Alfredo Lopez ("Lopez"), to represent Lopez in his criminal driving under the influence  
7 case, in *The People of the State of California v. Alfredo Lopez*, San Joaquin County Superior  
8 Court, case no. RP16-01440. Respondent failed to appear at Lopez's August 10, 2016  
9 arraignment, or perform any legal services for the client, and therefore earned none of the  
10 advanced fees paid. Respondent failed to return promptly, upon respondent's constructive  
11 termination of employment, on or about August 10, 2016, any part of the \$3,250.00 fee to the  
12 client, in willful violation of the Rules of Professional Conduct, rule 3-700(D)(2).

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14 COUNT TWENTY-FIVE

15 Case No. 17-O-04859  
16 Rules of Professional Conduct, Rule 4-100(B)(3)  
[Failure to Render Accounts of Client Funds]

17 26. On or about February 8, 2016, respondent received from respondent's client,  
18 Alejandro Zapien Sandoval ("Sandoval"), \$2,000.00, and thereafter received \$500.00 monthly,  
19 over the course of 11 months, beginning March 2016 through January 2017, for a total of  
20 \$7,500.00, as advanced fees for legal services to be performed. Respondent thereafter failed to  
21 render an appropriate accounting to the client regarding those funds following the termination of  
22 respondent's employment on or about June 23, 2017, in willful violation of the Rules of  
23 Professional Conduct, rule 4-100(B)(3).

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1 COUNT TWENTY-SIX

2 Case No. 17-O-04859  
3 Rules of Professional Conduct, Rule 3-700(D)(2)  
4 [Failure to Refund Unearned Fees]

5 27. On or about February 8, 2016 respondent received advanced fees of \$2,000.00 from a  
6 client, Alejandro Zapien Sandoval ("Sandoval"), to represent Sandoval in his criminal driving  
7 under the influence case, in the case entitled *The People of the State of California v. Alejandro*  
8 *Zapien Sandoval*, Stanislaus County Superior Court case no. 1453166. Thereafter, Sandoval  
9 made 11 additional payments of \$500.00 each, every month beginning March 2016 through  
10 January 2017, for a total of \$7,500.00. Respondent failed to perform any legal services of value  
11 for the client, and therefore earned none of the advanced fees paid. Respondent failed to return  
12 promptly, upon respondent's termination of employment on or about June 23, 2017, the \$7,500  
13 fee to the client, in willful violation of the Rules of Professional Conduct, rule 3-700(D)(2).

14 COUNT TWENTY-SEVEN

15 Case No. 17-O-07089  
16 Business and Professions Code, section 6068(m)  
17 [Failure to Respond to Client Inquiries]

18 28. Respondent failed to respond promptly to numerous reasonable telephonic status  
19 inquiries made by respondent's client, Bernie Rae Conneely ("Conneely"), beginning on or about  
20 July 10, 2017, and continuing for approximately two weeks after, that respondent received in a  
21 matter in which respondent had agreed to provide legal services, in willful violation of Business  
22 and Professions Code, section 6068(m).

23 COUNT TWENTY-EIGHT

24 Case No. 17-O-07089  
25 Business and Professions Code, Section 6068(m)  
26 [Failure to Inform Client of Significant Developments]

27 29. Respondent failed to keep respondent's client, Bernie Rae Conneely ("Conneely"),  
28 reasonably informed of significant developments in a matter in which respondent had agreed to  
provide legal services, in willful violation of Business and Professions Code, section 6068(m),

1 by failing to inform the client of the outcome of the July 10, 2017 hearing, specifically, the  
2 scheduling of a pretrial conference on October 23, 2017.

3 **NOTICE - INACTIVE ENROLLMENT!**

4 **YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR**  
5 **COURT FINDS, PURSUANT TO BUSINESS AND PROFESSIONS CODE**  
6 **SECTION 6007(c), THAT YOUR CONDUCT POSES A SUBSTANTIAL**  
7 **THREAT OF HARM TO THE INTERESTS OF YOUR CLIENTS OR TO**  
8 **THE PUBLIC, YOU MAY BE INVOLUNTARILY ENROLLED AS AN**  
9 **INACTIVE MEMBER OF THE STATE BAR. YOUR INACTIVE**  
10 **ENROLLMENT WOULD BE IN ADDITION TO ANY DISCIPLINE**  
11 **RECOMMENDED BY THE COURT.**

12 **NOTICE - COST ASSESSMENT!**

13 **IN THE EVENT THESE PROCEDURES RESULT IN PUBLIC**  
14 **DISCIPLINE, YOU MAY BE SUBJECT TO THE PAYMENT OF COSTS**  
15 **INCURRED BY THE STATE BAR IN THE INVESTIGATION, HEARING**  
16 **AND REVIEW OF THIS MATTER PURSUANT TO BUSINESS AND**  
17 **PROFESSIONS CODE SECTION 6086.10.**

18 Respectfully submitted,

19 THE STATE BAR OF CALIFORNIA  
20 OFFICE OF CHIEF TRIAL COUNSEL

21 DATED: 8/2/18

22 By: 

23 Kimberly G. Anderson  
24 Senior Trial Counsel

# DECLARATION OF SERVICE

by

U.S. FIRST-CLASS MAIL / U.S. CERTIFIED MAIL / OVERNIGHT DELIVERY / FACSIMILE-ELECTRONIC TRANSMISSION

CASE NUMBER(s): **17-O-00942; 17-O-03613; 17-O-05298; 17-O-03174; 17-O-03644; 17-O-04859; 17-O-07089**

I, the undersigned, am over the age of eighteen (18) years and not a party to the within action, whose business address and place of employment is the State Bar of California, 845 South Figueroa Street, Los Angeles, California 90017-2515, declare that:

- on the date shown below, I caused to be served a true copy of the within document described as follows:

## NOTICE OF DISCIPLINARY CHARGES

☐

**By U.S. First-Class Mail: (CCP §§ 1013 and 1013(a))**

- in accordance with the practice of the State Bar of California for collection and processing of mail, I deposited or placed for collection and mailing in the City and County of Los Angeles.

☒

**By U.S. Certified Mail: (CCP §§ 1013 and 1013(a))**

☐

**By Overnight Delivery: (CCP §§ 1013(c) and 1013(d))**

- I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for overnight delivery by the United Parcel Service ('UPS').

☐

**By Fax Transmission: (CCP §§ 1013(e) and 1013(f))**

Based on agreement of the parties to accept service by fax transmission, I faxed the documents to the persons at the fax numbers listed herein below. No error was reported by the fax machine that I used. The original record of the fax transmission is retained on file and available upon request.

☐

**By Electronic Service: (CCP § 1010.6)**

Based on a court order or an agreement of the parties to accept service by electronic transmission, I caused the documents to be sent to the person(s) at the electronic addresses listed herein below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

☐

(for U.S. First-Class Mail) in a sealed envelope placed for collection and mailing at Los Angeles, addressed to: (see below)

☒

(for Certified Mail) in a sealed envelope placed for collection and mailing as certified mail, return receipt requested, Article No.: 9414 7266 9904 2111 0155 89 at Los Angeles, addressed to: (see below)

☐

(for Overnight Delivery) together with a copy of this declaration, in an envelope, or package designated by UPS, Tracking No.: addressed to: (see below)

Person Served	Business-Residential Address	Fax Number	COURTESY COPY VIA REGULAR 1 <sup>ST</sup> CLASS MAIL
James Irwin Ham	Law Office of James I. Ham A Prof. Corp. 655 N Central Ave Fl 17 Glendale, CA 91203-1439	Electronic Address	

I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for mailing with the United States Postal Service, and overnight delivery by the United Parcel Service ('UPS'). In the ordinary course of the State Bar of California's practice, correspondence collected and processed by the State Bar of California would be deposited with the United States Postal Service that same day, and for overnight delivery, deposited with delivery fees paid or provided for, with UPS that same day.

I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date on the envelope or package is more than one day after date of deposit for mailing contained in the affidavit.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct. Executed at Los Angeles, California, on the date shown below.

DATED: August 2, 2018

SIGNED:



Lusine Hambardzumyan  
Declarant